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Interpretations Transfer Students

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6. Transfer Students (see Article I, Section 8, page 21-22)

This interpretation is intended to clarify those transfer situations in which the circumstances are such that the UHSAA deems the transfer to be without the intent to participate in athletics and therefore not subject to the Transfer Rule.

After establishing eligibility, a student transferring to a member school shall be eligible to participate in interscholastic activities at the school to which he/she transfers provided there is a corresponding change of residence of the parent(s) or guardian(s).

If a student's parents move, the student may remain eligible at the high school where he or she has established eligibility. Any subsequent transfer to another school will require the student to comply with the transfer rule.

The UHSAA will not review or act on any Transfer Application unless and until the transferring student has enrolled in the transferee school and has attended at least one day of classes. The UHSAA will not provide advisory opinions regarding potential eligibility.

After a transfer student has enrolled and attended the transferee school, that student is no longer eligible to participate at the former school.

During the summer, if a student so requests, the UHSAA will review a Transfer Application upon the receipt of proof of enrollment alone. In such a case, however, enrollment at the transferee school, even without attendance, will preclude such a student from claiming eligibility at the former school.

Statement of Philosophy/Rationale for the Transfer Rule:

- * Promotes the educational philosophy that participation in interscholastic activities is a privilege, which should not take a dominant role over academics.
- * Recognizes the overwhelming administrative difficulty in attempting to determine the motives or reasons for each and every transfer, and therefore, adopts a uniform objective standard to be followed by all member schools.
- * Helps to protect opportunities for participation by students who attend school in the attendance area of their residence.
- * Serves as a deterrent to students leaving their school because of disciplinary action that has been or may be imposed.

Definitions:

Residence: A residence is a place where a student has established his/her true, fixed and permanent home, where the family regularly eats, sleeps and lives. It is the place where the student and his/her parent(s) are habitually present and to which, when departing, they intend to return. Evidence of residence may include but is not limited to the following: voter registration records, ecclesiastical membership records, vehicle registration, rent receipts, utility payments, mortgage documents, or income tax documentation.

A student shall have only one residence for the purposes of Association eligibility rules.

Change of Residence: To be considered a change of residence under these rules, minimally, the following facts must be present in the change:

The prior residence must be abandoned. For purposes of these rules, that means that the prior residence has been sold, rented to third parties or transferred from the legal ownership or possession of the parents or guardians. The change of residence must include the transfer of personal property ordinarily associated with a legitimate change of residence.

To qualify as a change of residence, the prior residence must not be currently used as a residence by either parent or any relative under the circumstance in which it could reasonably be inferred that the change of residence was a sham.

Special Residential Placements That Qualify as a Change of Residence:

A. First Entry in High School: A student enrolling in high school for the first time (either in the ninth grade or the tenth depending on the high school) will be deemed residentially eligible for interscholastic activities even if that first entry is at a school not within the student's residential area. This exception to the transfer rule regarding residency for students enrolling for the first time in the ninth grade recognizes the prevailing law encouraging open enrollment. Unless otherwise excepted, the Transfer Rule will apply to any subsequent transfer.
(See By-Law Article 1, Section 1 regarding Ninth Grade Eligibility)

A student establishes initial eligibility upon entry to high school (or its equivalent) for the first time. Whenever a student intends to participate in Association activities in this state, the student's entry to high school, irrespective of the location shall be used for purposes of the application of this rule.

Recruiting Not Affected by First Entry Exception: The recruiting of student athletes by a member school, coach, coaching staff or affiliated boosters is considered a serious violation of the UHSAA rules regarding the imposition of undue influence on students for the purposes of athletics. Although under most circumstances the UHSAA will not examine the motives behind a student's choice of school upon first entry, there may be other factors beyond residence that could affect a student's eligibility and could impose heavy sanctions on a school, a program and/or a coach.

One example is recruiting. Where a student or students who, during the school year prior to initial high school participation, have attended a school or coach sponsored camp or have been players together on a "super-league," "all-star," "select" or other traveling or combined team, attempt to establish eligibility at a member school which is outside the residential area for any of those students, such enrollment will be considered prima facie evidence of recruiting. Those students outside of the residential area shall be ineligible for UHSAA participation unless and until a

hearing panel of the UHSAA determines that there was no undue influence and/or recruiting involved in their choice of school.

Similarly, where a transferring student transfers to a school and intends to participate with any member or coach of such a traveling or combined team, such transfer shall also be considered prima facie evidence of recruiting and that student shall be ineligible for UHSAA participation unless and until a hearing panel of the UHSAA determines that there was no undue influence and/or recruiting involved in the student's choice of school.

At such a hearing, a panel may determine that there was no recruiting or may impose any or all of the penalties permitted, including fines, restrictions, suspensions and disqualifications. The UHSAA may ask the hearing panel to declare that recruited students cannot be eligible, at any time, at the school to which they were recruited.

Principals should remind athletic directors, coaches and boosters of the prohibition on recruiting and make certain that any possible violations of these rules be reported immediately to the UHSAA.

B. Legal Guardian: An exception created for students seeking legal guardianship is intended to apply only to those situations in which a bona fide guardian has been appointed by a court of competent jurisdiction for the best interests of the student. Should it appear that a guardian has been appointed or established for the purpose of avoiding the transfer rule; the Association may ignore the guardianship and examine the transfer as if no guardian existed. The document must indicate the date of appointment, powers conferred and whether the guardian was appointed due to death, incompetence, or unsuitability of the parents.

C. Dual Enrollment: A student dual enrolled in special programs at a school other than the one he/she is attending is eligible to participate in interscholastic competition only at the school where the student's permanent records are maintained and he/she is considered a full-time student.

D. Alternative School Students: Students attending alternative high schools are eligible only at the public high school in whose attendance they reside.

E. Discontinued Programs: If a school discontinues its participation in an Association sponsored sport, any student that had previously participated in that sport while attending that school may transfer, without the loss of eligibility, to a different member school which offers that sport.

F. Ward of the Court: A student who is a ward of the court or the state and is placed in a school by court order may become eligible for interscholastic activities at that school by petitioning and receiving approval of the association.

G. Divorce and Legal Separation: If, immediately subsequent to a Decree of Divorce or the entry of an Order establishing a legal separation, a student transfers to a new attendance area with a parent who has legal custody of that student, that student shall be eligible in the new attendance area. Any subsequent transfer, even if to the residence of another parent with legal or joint custody, shall be subject to the Transfer Rule.

H. Disciplinary Removal: A student suspended expelled or otherwise removed for disciplinary reasons, including revocation or non-renewal of open-enrollment permit, from one member high school shall be ineligible for interscholastic activities in any other member school until all conditions for re-admittance have been fulfilled at the school where the suspension, expulsion, revocation or removal for disciplinary reasons occurred. In no case shall that period exceed twelve months.

I. Member Boarding Schools: The Transfer Rule shall not apply to a student who begins the school year by transferring to and becoming a full time resident at any UHSAA member boarding school. The Transfer Rule shall apply to any subsequent transfers by that student from that boarding school. The member boarding school is required to send a complete list of registered students at the beginning of each sport season before their respective teams begin competition. In the fall season, additions to this list will be accepted to include those students registering up until September 10.

J. Foreign students shall be considered as any other transfer student and must subscribe to the rules outlined in interpretation number 7 of the UHSAA Handbook.

K. Other Activities: The Transfer Rule does not apply to activities other than athletics.

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